IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICOLA DeIULIIS, a minor, by his Guardian, ANNETTE DeIULIIS, and ANNETTE DeIULIIS, in her own right,	]	**CIVIL DIVISION**
	]	No. CA 5-1077
Plaintiffs	]	The Honorable Donetta W. Ambrose
vs.	]	
BOY SCOUTS OF AMERICA NATIONAL COUNCIL,	]	
Defendant.	]	

Fed. R. Civ. P. 26(f) REPORT OF THE PARTIES

AND NOW comes Plaintiffs, Nicola DeIuliis, a minor by his Guardian, Annette DeIuliis, and Annette DeIuliis, in her own right, by and through their attorneys, Victor H. Pribanic, Esquire, Sherie Lynn Painter, and Pribanic & Pribanic, L.L.C., and Defendant, Boy Scouts of America National Council, by and through its attorneys, David B. White, Esquire, and Burns, White & Hickton, and respectfully file the within Fed. R.Civ.P 26(f) Report of the Parties and further aver as follows:

1. Identification of counsel and unrepresented parties. The following attorneys are the counsel of record in the captioned matter:

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2. General nature of the case: On Sunday, August 15, 2004, at approximately 12:49 p.m. on State Route 366 in Washington Township, Westmoreland County, Minor-Plaintiff, Nicola DeIuliis, was injured in a one-vehicle accident while a passenger in a van operated by Samuel Lombardo. Mr. Lombardo was returning from a Boy Scouts outing from Ohio Pyle State Park with a group of boy scouts. As a result of the accident, Minor-Plaintiff sustained serious injuries to his internal organs and other parts of his body. It is alleged that as a result of the accident the Minor-Plaintiff may have sustained a loss of his ability to earn a living in the future. It is further alleged that the minor Plaintiff has also sustained a loss of his ability to earn a living in the future; he and his family have incurred expenses for medical attention and hospitalization in the past and may continue to incur such expenses in the future.

3. The Rule 26(f) Conference was held on Friday, October 7, 2005 between Sherie Lynn Painter on behalf of the Plaintiffs, and Mark E. Schweers, Jr., on behalf of the Defendant.

4. This Honorable Court has scheduled the Rule 16 Initial Scheduling Conference for Tuesday, November 8, 2005 at 9:15 a.m. in Suite 3280, Third Floor, U.S. Post Office and Courthouse Building, Pittsburgh, Pennsylvania. (Lead Trial Counsel and unrepresented parties shall attend the Rule 16 Initial Scheduling Conference with their calendars in hand for the purpose of scheduling other pre-trial events and procedures, including a Post-Discovery Status Conference; Counsel and unrepresented parties shall attend the Rule 16 Initial Scheduling Conference prepared to discuss the anticipated number of depositions and identities of potential deponents and the anticipated dates by which interrogatories, requests for production of documents and requests for admissions will be served).

5. To date, no party to this matter has filed a dispositive motion pursuant to Fed.R.Civ.P. 12. It is presently undetermined if any party will in fact file a dispositive motion pursuant to Fed. R. Civ. P. 12. The parties agree that any dispositive motion and brief in support shall be filed on or before 45 days after the close of discovery. The party responding to the dispositive motion shall have three weeks to respond to an opposing party's motion. A reply brief

shall be due 5 business days after receipt of the response brief. The parties agree that if the parties do not file motions for judgment on the pleadings, for summary judgment, or to dismiss, plaintiff's pre-trial narrative statement will be filed by Monday, April 3, 2006. Defendant's pre-trial narrative statement shall be due within 30 days of the filing of plaintiff's pre-trial statement in accordance with Local Rule 16.1.4B.

6. To date, there has been no specific Alternative Dispute Resolution (ADR) discussed. The parties agree that if they elect to engage in the ADR process, the completion of the ADR process will be on or before Tuesday, February 28, 2006.

7. Rule 26(a)(1) disclosures will be exchanged by the parties on or before Friday, November 4, 2005.

8. Subjects on which fact discovery may be needed. (By executing this report, no party shall be deemed to (1) have waived the right to conduct discovery on subjects not listed herein or (2) be required to first seek the permission of the Court to conduct discovery with regard to subjects not listed herein): Generally, it is believed that fact discovery may be necessary regarding: (1) the incident which is the subject of Plaintiff's Complaint and (2) the injuries and damages Plaintiff's claim arising from the incident at issue.

9. The parties have agreed to the proposed suggested dates for the following:

a. Disclosures required by Fed. R. Civ. P. 26(a) are to be made on or before Friday, November 4, 2005;
b. Any additional parties shall be joined on or before Friday, January 6, 2006;
c. The pleadings shall be amended on or before Friday, December 23, 2005;
d. Fact discovery should be completed on or before Friday, March 3, 2006;
e. The parties agree that discovery should not be conducted in phases nor should it be limited to or focused on particular issues;
f. Plaintiffs' expert reports should be filed on or before Monday, March 13, 2006;

g. Depositions of plaintiffs' expert(s) should be completed on or before May 31, 2006;

h. Defendant's expert reports should be filed on or before Monday, April 3, 2006;

i. Depositions of defendant's expert(s) should be completed on or before May 31, 2006;

j. Third party expert's reports should be filed on or before April 13, 2006; and,

k. Depositions of third party's expert(s) should be completed on or before May 31, 2006.

10. The parties agree that no changes should be made to the limitations on discovery imposed by the Federal Rules of Civil Procedure or Local Rule and/or that no other limitations should be imposed on discovery.

11. The parties agree there is no need for special deadlines, procedures or orders of court dealing with discovery of electronically-stored information (electronic discovery).

12. The parties have elected to schedule the Post-Discovery Status Conference following the completion of Expert Discovery. The parties shall be prepared at the Post-Discovery Status Conference to discuss and/or schedule the following: (The parties are not required during their Rule 26(f) Conference to consider or propose dates for the items identified below. Those dates will be determined, if necessary, at the Post-Discovery Status Conference. Lead trial counsel for each party and each unrepresented party are required to attend the Post-Discovery Status Conference with their calendars in hand to discuss those items listed below that require scheduling. In addition, a representative with settlement authority of each party shall be required to attend; representatives with settlement authority of any insurance company providing any coverage shall be available throughout the Conference by telephone):

a. Settlement and/or transfer to an ADR procedure;

b. Dates for the filing of expert reports and the completion of expert discovery as itemized in sub-paragraphs 9.f. through 9.k., above, if the parties elected to defer such discovery until after the Post Discovery Status Conference

c. Dates by which dispositive motions pursuant to Fed. R. Civ. P. 56, replies thereto and responses to replies should be filed;
d. Dates by which parties' pre-trial statements should be filed;
e. Dates by which in limine and Daubert motions and responses thereto should be filed;
f. Dates on which motions in limine and Daubert motions shall be heard;
g. Dates proposed for final pre-trial conference;
h. Presumptive and final trial dates.

13. At this time, the parties are unaware of any additional orders necessary under Fed.R.Civ.P. 16(b) or 26(c).

14. The parties do not anticipate the court needing to appoint a special master to deal with any matter regarding this case.

15. The parties have agreed with regard to all subjects for which a report is required as set forth above.

16. At this time, the parties have not considered the possibility of settlement of the action as discovery in this matter has just begun.

RESPECTFULLY SUBMITTED,

/MES per SLP

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ORDER OF COURT

AND NOW, to wit, this ______ day of _________________, 2005, **IT IS HEREBY ORDERED** that the Fed. R. Civ. P. 26(f) Report of the Parties is approved.

BY THE COURT,

____
J.